

Panaji, 25th March, 2003 (Chaitra 4, 1925)

SERIES I No. 51

# OFFICIAL GAZETTE



## GOVERNMENT OF GOA

### SUPPLEMENT

#### GOVERNMENT OF GOA

Goa Legislature Secretariat

LA/F2/1166/2003

The following Bill which was introduced in the Legislative Assembly of the State of Goa on 24-3-2003 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

#### The Goa Buildings (Lease, Rent and Eviction) Control (Amendment) Bill, 2003

(Bill No. 10 of 2003)

A  
BILL

*further to amend the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968.*

BE it enacted by the Legislative Assembly of Goa in the Fifty-fourth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Buildings (Lease, Rent and Eviction) Control (Amendment) Act, 2003.

(2) It shall come into force at once.

2. *Amendment of section 12.*— In sub-section (2) of section 12 of the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968 (Act 2 of 1969),—

(i) in clause (a), the expressions "the 1st day of January, 1965, or" and "whichever is later" shall be omitted;

(ii) for the existing proviso, the following proviso shall be substituted, namely:—

"Provided that the fair rent once fixed shall automatically stand increased by 2% per annum".

#### Statement of Objects and Reasons

A Writ Petition bearing No. 186/99 has been filed by one Shri J. C. Rego in the High Court of Bombay, Panaji Bench, challenging the constitutional validity of the proviso to section 12 of the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968 (Act 2 of 1969). The matter was examined vis-a-vis the legal position and, accordingly, it has been decided to suitably amend section 12 of the Act, 1968, so as to provide for determination of the fair rent on the basis of the market value as on the date of completion of the building and also provide that the fair rent once fixed shall automatically stand increased by 2% per annum.

This Bill seeks to achieve the above objects.

#### Financial Memorandum

No financial implications are involved in this Bill.

#### Memorandum regarding delegated Legislation

No delegated legislation is envisaged in this Bill.

Porvorim-Goa  
6th March, 2003.

PANDURANG MADKAIKAR  
Minister for Revenue

Assembly Hall,  
Porvorim-Goa.  
19th March, 2003.

S. A. NARVEKAR  
Secretary, Legislature

ANNEXURE

**Extract of Section 12 of the Goa, Daman and Diu  
Building (Lease, Rent and Eviction) Control Act, 1968  
(Act No. 2 of 1969)**

**Section 12 — Rent Tribunal to determine fair rent.**— (1) The Rent Tribunal shall, on application by the landlord or the tenant of a building, fix the fair rent payable per annum for such building after holding such inquiry as may be prescribed.

(2) The fair rent payable per annum shall consist of—

\*(a) seven and a half per cent. of the market value of the building (including the land on which the building is constructed) as on the 1st day of January, 1965, or the date of the completion of the building, whichever is later; and

(b) fifty per cent. of the taxes or cesses levied by the local authority and payable per annum by the landlord in respect of the building including the land on which the building is constructed:

Provided that where the building has been let out for the first time previous to the 1st day of January, 1965, the fair rent shall not exceed the rent payable in respect of such building on that date.

Assembly Hall,  
Porvorim-Goa.  
19th March, 2003.

S. A. NARVEKAR  
Secretary, Legislature

LA/F2/1166/2003

The following Bill which was introduced in the Legislative Assembly of the State of Goa on 24-3-2003 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

**The Goa State Guarantees (Third Amendment)  
Bill, 2003**

(Bill No. 9 of 2003)

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BILL

*further to amend the Goa State Guarantees Act,  
1993 (Goa Act 16 of 1993).*

BE it enacted by the Legislative Assembly of Goa in the Fifty-fourth year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa State Guarantees (Third Amendment) Act, 2003.

2. It shall come into force at once.

2. *Amendment of section 3.*— In section 3 of the Goa State Guarantees Act, 1993 (Goa Act 16 of 1993), in sub-section (1), for the expression "Rs. 550.00 Crores", the expression "Rs. 700.00 Crores" shall be substituted.

**Statement of Objects and Reasons**

In terms of sub-section (1) of section 3 of the Goa State Guarantees Act, 1993 (Goa Act 16 of 1993), the limit upto which the executive power of the State Government shall extend to the giving of guarantees as provided in clause (1) of Article 293 of the Constitution of India, shall be the sum of Rs. 550.00 Crores only. The Government of Goa has set up the Goa State Infrastructure Development Corporation to undertake various infrastructure related projects in the State. Some of the projects will be undertaken through private participation and will be self financing. However, other developmental works and repayment of high cost loan taken earlier by various corporations, will have to be done by taking loans from financial institutions and it will be necessary to provide Government guarantee for the same. Repayment provision for the loans taken for developmental works would be provided in the Budget as per requirement. Retirement of high cost debt would bring down the interest liability of Corporations thereby making them financially healthier.

It is, therefore, proposed to increase the limit of giving of guarantees from the present limit of Rs. 550.00 Crores to Rs. 700.00 Crores by suitably amending the said sub-section (1) of section 3 of the said Act, 1993.

This Bill seeks to achieve the above objects.

**Financial Memorandum**

Financial implications of the proposed Bill will arise only when Government Guarantees are invoked against the State Government, and the liability charged to the Consolidated Fund of the State.

The amount involved in such cases cannot be foreseen at this stage.

Memorandum Regarding Delegated Legislation

ANNEXURE

No delegated legislation is envisaged in this Bill.

Panaji-Goa  
27-2-2003.

MANOHAR PARRIKAR  
Chief Minister

Assembly Hall  
Porvorim-Goa  
28-2-2003.

S. A. NARVEKAR  
Secretary (Legislature)

Governor's Recommendation under Article 207 of the Constitution

In pursuance of Article 207 of the Constitution of India, I, Kidar Nath Sahani, the Governor of Goa, hereby recommend to the Legislative Assembly of Goa, the introduction and consideration of the Goa State Guarantees (Third Amendment) Bill, 2003, by the Legislative Assembly of Goa.

(KIDAR NATH SAHANI)  
Governor

The Goa State Guarantees Act, 1993  
(Act No. 16 of 1993)

Fixation of limit upto which State may give guarantees.-

- (1) The limit upto which the executive power of the State Government shall extend to the giving of guarantees including guarantees given before the commencement of this Act as provided in clause (1) of Article 293 of the Constitution of India, shall be the sum of Rs. 550.00 Crores.
- (2) The State Government shall lay before the State Legislature.-
  - (a) a statement of any guarantee given not later than 6 months from the close of each financial year.
  - (b) within 6 months after the close of any financial year.